

**REMARKS**

Claims 21, 23, 25, 28, 31, and 34-39 have been amended. New dependent Claim 40 has been added notwithstanding Applicants' belief that the claims would have been allowable as originally filed. Accordingly, Applicants assert that no claims have been narrowed within the meaning of *Festo*.

**I. Pro Se Applicants Request For Constructive Assistance**

If, for any reason the claims of this application are not believed to be in full condition for allowance, pro se applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP §707.07(j) in order that this application can be placed in allowable condition as soon as possible and without need for further proceedings.

**II. Rejection of Claims 21-39 Under 35 U.S.C. §103(a) as being anticipated by Smith in view of Lyons**

Claims 21-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, et al. U.S. Patent 6,578,078 in view of Lyons, U.S. Patent 6,094,665. Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Examiner references Smith (Fig. 4, Col. 15, lines 24-60, Col. 13 line 25 - Col. 14 line 27) and also references Lyons (Fig. 2, and Col. 5, lines 3-40) with respect to the third, fourth, and fifth recited step of Claim 21, "parsing at least one non-query URI component from said URI; generating a search query from said at least one non-query URI component; and, providing results of a search engine request having said search query."

Examiner states that Smith does not explicitly teach the above steps but rather Smith implies "that the URL should be parsed and the new URL is generated and provided for querying the requested resource."

The use of the phrase "querying the requested resource" is inapplicable and an attempt to imply "querying a search engine", which is a completely different type of network service than that of resource location services. Phrases more suited to what Smith teaches would be "locating the requested resource" and "accessing the requested resource". There is a fundamental difference between performing a resource location request and performing a search engine request (Applicants Page 4, line 27 - Page 5, line 13). Furthermore, the use of the phrase "URL should be parsed and the new URL is generated" is misleading because Smith relies on a Referential Preservation Engine (RPE) having a database to map the old URL to a predetermined new URL. The new URL is not generated because it

is already predetermined. Additionally, the new URL is then used to access a network resource from a resource location request and not that of a search engine request. No where does Smith teach generating new web page content from results of a search engine request.

Smith (Col. 12, lines 28-32), which reads "the only portions of the URL of concern are the <path> portion and the ?<searchpart> portion. While both are optional, the latter is generally not used, so it is necessary to only consider the <path> portion for designating the location of the resource", teaches away from Applicants and indicates that there is no suggestion or motivation for Smith to combine teachings with another regarding the ?<searchpart> portion. With <path> as URI non-query component and ?<searchpart> as URI query component, unlike Smith, Applicants solve a different problem by teaching how, when and under what conditions the ?<searchpart> or rather URI query component is of use.

Though Applicants agree with Examiner that Lyons teaches the third recited step of Claim 21, *Applicants strongly disagree that Lyons teaches or suggests the fourth and fifth recited step of Claim 21.* Examiner states "discloses parsing the URI and testing components for validity and then generating a new URI query for locating requested resource. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate implementation of parsing URI string for generating a new query string, disclosed by Lyons, into the system of searching resource on the Internet using URL request disclosed by Smith, in order to locate the resource in an efficient manner when the requested content cannot be found on the server corresponding to the URI."

The phrase "new URI query for locating requested resource" is misleading because the word "query" is meaningless and serves no function in the context of the phrase. The phrase only makes sense when "query" is omitted and the phrase reads, "new URI for locating requested resource". All URIs generated by Lyons are *used for the purpose of attempting to locate the originally intended network resource without any teaching, suggestion or even mention of generating a search engine request or providing search engine results.*

The phrase "generating a new query string, disclosed by Lyons" is incorrect. Applicants have performed a full-text search at the USPTO web site on the Lyons '665 patent for each of the following keywords *"search", "engine", "query", and "keyword"*, and found no matches in Lyons to any of these keywords.

For the sake of argument, even if Lyons taught or suggested what Examiner proposes, Smith (Col. 12, lines 28-32) already discounts considering such teaching of use and would not have any need or motivation to combine Lyons. Even if Smith combined Lyons, the references would produce an

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*inoperative combination because Smith eliminates the possibility of a resource location request failing when the network resource is moved to another location and therefore there is no longer a failed resource location request for Lyons to correct.*

### **CLAIM 36**

Examiner states that independent Claim 36 is rejected under the same rationale set forth above to Claim 21. Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Applicants disagree and contend that Claim 36 is under same rationale as independent Claim 15 (currently canceled) but under different rationale than independent Claim 21. Examiner rejected Claim 15 under 102(e) using Smith (Col. 13, line 25 - Col. 14, line 7 and Col. 15, lines 24-60) and Examiner rejected Claim 36 under 103(a) using Smith in view of Lyons as discussed above.

*The teachings of Smith and Lyons both rely on the condition of a failed resource location request or of a network resource that can not be accessed from a URL. However, both Claim 15 and Claim 36 do not in any way rely on such teachings or steps of responding to a failed resource location request or network resource that can not be accessed from a URL.*

The teachings of Smith and Lyons end when a network resource is accessible from a valid URL whereas this is precisely where the teachings of Applicants begin. Applicants teach that when a first request is received to access a network resource accessible from a valid URI from a requestor, a second request corresponding to at least a portion of the URI can be additionally be generated so that the requestor can benefit from accessing content corresponding to each request.

Claims have been amended to define patentably over Smith and other references, alone or in combination. Furthermore, dependent Claims 22-33, inclusive, incorporate all the subject matter of Claim 21 and add additional subject matter, which makes them, a fortiori, independently patentable over Smith. Additionally, independent Claim 36 has been amended to define patentably over Smith and other references, alone or in combination. Furthermore, dependent Claims 37-40, inclusive, incorporate all the subject matter of Claim 36 and add additional subject matter, which makes them, a fortiori, independently patentable over Smith.

**III. Final Office Action: Entry of Amendments - No New Search**

Entry of the amendments is respectfully requested since they remove issues in the event of an appeal, do not require further searching, and/or place the subject application in condition for allowance.

**IV. Notice of References Cited, PTO-892**

Applicants have carefully reviewed the references cited but not applied. Applicants respectfully submit that none of those references, alone or in any combination, remedy the deficiencies of the applied art, nor teach or suggest the claimed invention alone or in any combination.

**V. Conclusion**

For all of the above reasons, the present application and pending claims 21-40, as amended, are believed to be in condition for allowance. Applicants respectfully request the Examiner to issue a formal Notice of Allowance directed to claims 21-40, inclusive.

Should the Examiner believe that telephone correspondence would be helpful to expedite favorable prosecution, the Examiner is invited to contact the first named Applicant at the telephone number listed below.

Respectfully submitted,



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